



Clean Water Act (CWA) Permitting of Industrial Stormwater:

Reissuance of EPA's Multi-Sector
General Permit (MSGP)

National Tribal Consultation Teleconference

January 15, 2013

1 PM Eastern

Topics

- ▶ Background
- ▶ Overview of EPA's Multi-Sector General Permit
- ▶ Schedule for Permit Issuance
- ▶ Questions and Comments

Background

- ▶ EPA's Clean Water Act (CWA) regulations require a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from industrial facilities in certain sectors
- ▶ Most regulated stormwater discharges are covered under a *general permit*
 - ▶ Used to cover a similar group of dischargers under one permit
 - ▶ Simplifies the process for dischargers to obtain authorization to discharge
 - ▶ Typically, to obtain authorization to discharge, a discharger submits to the permitting authority a Notice of Intent (NOI) to be covered under the general permit

Background

- ▶ Since 1995, EPA has issued a series of Multi-Sector General Permits (MSGPs) that regulate stormwater discharges in areas where EPA is the NPDES permitting authority
- ▶ The reason for this permit reissuance is that the current EPA MSGP is expiring in September 2013 at the end of its five-year term, the standard duration of all NPDES permits

Background

What does the MSGP regulate?

▶ The MSGP authorizes stormwater discharges in 29 industrial sectors

- Timber Products.
- Paper and Allied Products Manufacturing.
- Chemical and Allied Products Manufacturing.
- Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers.
- Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing.
- Primary Metals.
- Metal Mining (Ore Mining and Dressing).
- Coal Mines and Coal Mining-Related Facilities.
- Oil and Gas Extraction and Refining.
- Mineral Mining and Dressing.
- Hazardous Waste Treatment Storage or Disposal.
- Landfills and Land Application Sites.
- Automobile Salvage Yards.
- Scrap Recycling Facilities.
- Steam Electric Generating Facilities.
- Land Transportation.
- Water Transportation.
- Ship and Boat Building or Repairing Yards.
- Air Transportation Facilities.
- Treatment Works.
- Food and Kindred Products.
- Textile Mills, Apparel, and other Fabric Products Manufacturing.
- Furniture and Fixtures.
- Printing and Publishing.
- Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.
- Leather Tanning and Finishing.
- Fabricated Metal Products.
- Transportation Equipment, Industrial or Commercial Machinery.
- Electronic, Electrical, Photographic and Optical Goods.
- Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director.

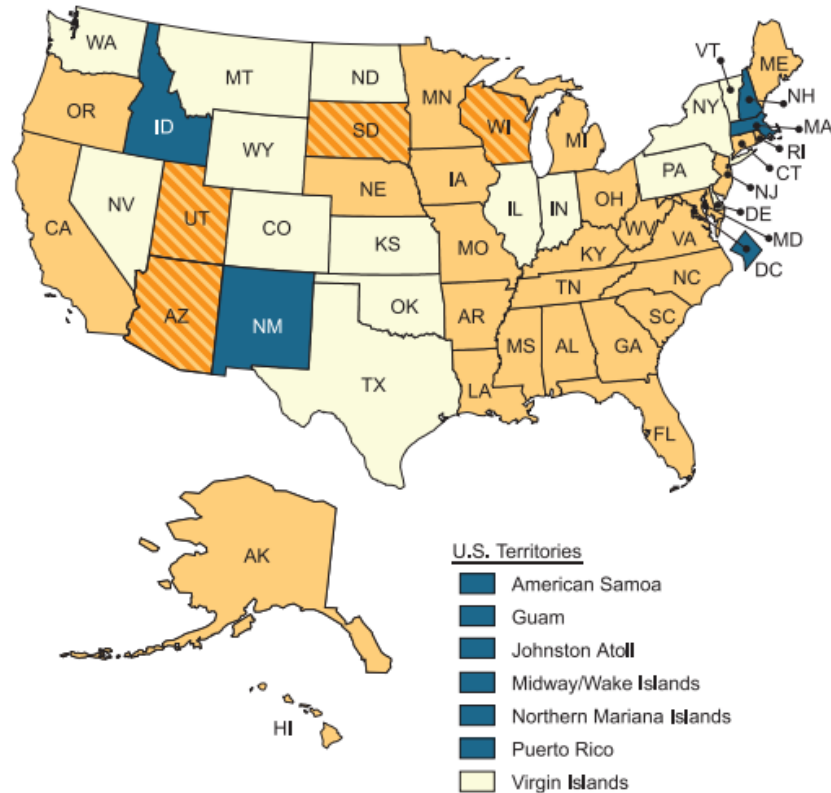
▶ All facilities can get a waiver from permitting if they maintain conditions of no exposure

What doesn't the MSGP regulate?

- ▶ Stormwater discharges from the construction of the facility (except for mines)
- ▶ Wastewater discharges
- ▶ Non-point source discharges (e.g., sheet flow)

NPDES Program Authorizations

State NPDES Program Authority



Approximately 2,400 industrial facilities are currently covered under the MSGP in areas where EPA is the NPDES permitting authority

State NPDES Program Status

- Fully authorized
- Fully authorized, including an approved biosolids program
- Partially authorized ([click here for details](#))
- Unauthorized

Indian Country Lands with Permitted Facilities

► Approximately 50 facilities are currently permitted on Indian Country land

Salt River Pima-Maricopa Indian Community

- Asphalt Paving & Roofing Materials & Lubricant Manufacturing
- Glass, Clay, Cement, Concrete, & Gypsum Products (2)

Fort McDowell Yavapai Nation

- Glass, Clay, Cement, Concrete, & Gypsum Products
- Mineral Mining & Dressing (2)

Tohono O'odham Nation

- Air Transportation Facilities
- Land Transportation & Warehousing
- Metal Mining (Ore Mining & Dressing)

Pechanga Band of Luiseno Indians

- Mineral Mining & Dressing

Shasta Indian Nation

- Asphalt Paving & Roofing Materials & Lubricant Manufacturing (2)

Zia Pueblo

- Glass, Clay, Cement, Concrete, & Gypsum Products
- Mineral Mining & Dressing (2)

Gila River Indian Community

- Asphalt Paving & Roofing Materials & Lubricant Manufacturing (2)
- Fabricated Metal Products (2)
- Glass, Clay, Cement, Concrete, & Gypsum Products (4)
- Chemicals & Allied Products Manufacturing
- Primary Metals

Coeur d'Alene Tribe of Indians

- Mineral Mining & Dressing
- Timber Products (2)

Shoshone-Bannock Tribes – Fort Hall Indian Reservation

- Mineral Mining & Dressing (2)

The Pueblo of Santa Ana

- Asphalt Paving & Roofing Materials & Lubricant Manufacturing
- Mineral Mining & Dressing
- Glass, Clay, Cement, Concrete, & Gypsum Products

The Confederated Tribes of Warm Springs

- Steam Electric Generating Facilities
- Timber Products

Navajo Nation

- Chemical & Allied Products Manufacturing
- Coal Mines and Coal Mining-Related Facilities (2)
- Glass, Clay, Cement, Concrete, & Gypsum Products
- Mineral Mining & Dressing (2)
- Oil & Gas Extraction & Refining
- Steam Electric Generating Facilities

Nez Perce Tribe

- Glass, Clay, Cement, Concrete, & Gypsum Products (2)
- Hazardous Waste Treatment, Storage, or Disposal Facilities
- Landfills, Land Application Sites, and Open Dumps
- Timber Products (3)

Pyramid Lake Paiute Tribe

- Mineral Mining & Dressing

Skull Valley Band of Goshute Indians

- Hazardous Waste Treatment, Storage, or Disposal Facilities
- Landfills, Land Application Sites, and Open Dumps

Yakama Nation

- Fabricated Metals Products
- Timber Products

Overview of the MSGP

- ▶ Operators must meet eligibility requirements before obtaining permit coverage, such as National Historic Preservation Act requirements and Endangered Species Act requirements
- ▶ Operators must develop a stormwater pollution prevention plan (SWPPP) prior to obtaining permit coverage
- ▶ In order to get permit coverage, operators must file a Notice of Intent (NOI), and must wait a minimum of 30 days to get authorization to discharge

Overview of the MSGP

Summary of Permit Requirements:

► Implement control measures

- Minimize exposure of industrial activities to stormwater
- Good housekeeping
- Conduct regular maintenance
- Spill prevention and response procedures
- Erosion and sediment controls
- Runoff management
- Salt storage piles pollutant minimization
- Employee training
- Waste, garbage, and floating debris
- Dust generation and vehicle tracking

► Conduct inspections (routine facility and visual assessment of discharges) and corrective actions and document findings

► Meet additional sector-specific requirements, including benchmark monitoring requirements for certain industrial sectors

Possible New MSGP Requirements

- ▶ Incorporating new aircraft deicing requirements developed separately by the Agency
- ▶ Making permittees' SWPPP information more publicly available

Permit Reissuance Schedule

- ▶ EPA plans to propose the draft 2013 MSGP for public comment in early 2013 (likely for a 60-day comment period)
- ▶ EPA intends to issue the final permit by September 30, 2013
- ▶ The proposed and final permit will be available at www.epa.gov/npdes/stormwater/msgp

Potential Impacts to Tribes

- ▶ As with the 2008 MSGP, Indian lands in the EPA Regions 1, 2, 5, 6, 9, and 10 will be covered by the renewed MSGP. For the first time, EPA Regions 7 and Region 8 will also be covered.
- ▶ All tribes, especially those that could potentially be affected by the renewal of the MSGP are invited to participate in the consultation.

Opportunities for Tribes to Participate

- ▶ Tribes may submit written consultation comments by January 29, 2013 to:

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- ▶ EPA also invites tribes to participate in the public review and comment process when the proposed MSGP is published in the Federal Register. EPA will provide updated information about the proposed permit on the MSGP website at www.epa.gov/npdes/stormwater/msgp

Questions or Comments

For more information:

www.epa.gov/npdes/stormwater/msgp

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